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17

18 UNITED STATES DISTRICT COURT  
19 EASTERN DISTRICT OF CALIFORNIA  
20 SACRAMENTO DIVISION  
21

22 HAZEL BONINI and ROBERT BONINI,

23 Plaintiffs,

24 v.

25 JOHNSON & JOHNSON DEVELOPMENT  
CORPORATION; JOHNSON & JOHNSON  
26 SURGICAL, INC.; DEPUY ORTHOPAEDICS,  
INC.; and DOES 1 through 100, inclusive,  
27

28 Defendants.

Case No. 2:13-CV-02106-JAM-CMK

**JOINT STIPULATION TO STAY  
PROCEEDINGS PENDING  
TRANSFER TO MDL NO. 2197 – IN  
RE: DEPUY ORTHOPAEDICS, INC.,  
ASR HIP IMPLANT PRODUCTS  
LIABILITY LITIGATION**

1 Pursuant to Local Rule 143 of the United States District Court of the Eastern District of  
2 California, and in support of this stipulation, plaintiffs Hazel Bonini and Robert Bonini  
3 (“Plaintiffs”), defendant Johnson & Johnson Development Corporation, and defendant DePuy  
4 Orthopaedics, Inc. (“DePuy”) state as follows:

5 1. On December 3, 2010, the United States Judicial Panel on Multidistrict Litigation  
6 (“JPML”) entered a Transfer Order pursuant to 28 U.S.C. 1407, assigning MDL No. 2197: *In re:*  
7 *DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation* (“MDL-2197”) to the  
8 Honorable David A. Katz, United States Judge for the Northern District of Ohio.

9 2. MDL-2197 coordinates all federal products liability actions – like this one –  
10 involving two hip implant systems DePuy Orthopaedics voluntarily recalled – the ASR™ XL  
11 Acetabular System and the ASR™ Hip Resurfacing System.

12 3. On October 11, 2013, DePuy removed this action from the Superior Court of the  
13 State of California, County of Shasta (Case No. 178006) to this Court.

14 4. On October 14, 2013, DePuy filed a Notice of Potential Tag Along with the JPML  
15 and included this case for transfer to MDL-2197.

16 5. On October 16, 2013, the JPML issued Conditional Transfer Order No. 214 and  
17 included this case for transfer to MDL-2197.

18 6. On October 21, 2013, DePuy filed a Motion to Stay Proceedings Pending Transfer  
19 to MDL No. 2197.

20 7. On October 22, 2013, Plaintiffs filed Plaintiffs’ Objection to the Conditional  
21 Transfer Order.

22 8. On October 23, 2013, the JPML issued a briefing schedule, setting a November 6,  
23 2013, deadline for Plaintiffs to file their motion to vacate and a November 27, 2013, deadline for  
24 any response.

25 9. Also on October 23, 2013, Plaintiffs filed Plaintiffs’ Non-Opposition to Defendant  
26 DePuy Orthopaedics’ Motion to Stay Proceedings Pending Determination of Transfer to MDL  
27 No. 2197.

28 10. On October 31, 2013, this case was reassigned to the Honorable John A. Mendez,

1 and all dates previously set were vacated.

2 11. On November 5, 2013, counsel for DePuy contacted the Court to determine if  
3 DePuy should re-notice its motion to stay in light of the case reassignment. The Court informed  
4 the parties that the simplest solution would be to submit a stipulation and proposed order for the  
5 Court's review and consideration.

6 12. On December 3, 2013, Plaintiffs dismissed Johnson & Johnson Surgical, Inc. with  
7 prejudice.

8 13. The requested stay will serve the interests of judicial economy and fairness to the  
9 parties and will avoid wasting this Court's resources while DePuy's request to transfer the case to  
10 MDL-2197 is pending.

11 WHEREFORE the parties hereby stipulate to stay all proceedings and to vacate all  
12 deadlines in this action pending a decision on DePuy's request to transfer the case to MDL-2197,  
13 *In re DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation*.

14 **IT IS SO STIPULATED.**

15 Dated: December 4, 2013

DRINKER BIDDLE & REATH LLP

16 By: /s/ Michelle Childers  
Michelle A. Childers

17 Attorneys for Defendants  
18 DEPUY ORTHOPAEDICS, INC. and  
19 JOHNSON & JOHNSON DEVELOPMENT  
CORPORATION

20 Dated: December 4, 2013

BARR & MUDFORD, LLP

21 By: /s/ John D. Barr (as authorized on 12/4/13)  
John D. Barr

22 Attorneys for Plaintiffs  
23 HAZEL BONINI and ROBERT BONINI

24 **IT IS SO ORDERED.**

25 Dated: 12/4/2013

26 /s/ John A. Mendez  
27 The Honorable John A. Mendez  
28 United States District Judge